

## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES BOX INTERFERENCE, WASHINGTON, D.C. 20231

> Filed by: Judge Sally C. Medley Telephone: (703) 308-9797 Facsimile: (703) 305-0942

MAILED

FEB 1 1 2003

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES Applicants: CHAI

Application No.: 09/506,160

Filed: 02/17/00

For: LUTETIUM YITRIUM ORTHOSILICATE SINGLE CRYSTAL SCINTILLATOR DETECTOR

Accorded benefit: Provisional application

60/120500, filed 02/18/99

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,083.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

SALLY C. MEDLEY

Administrative Patent Judge

# The opinion in support of the decision being entered today is <u>not</u> binding precedent of the Board.

Paper 15

Filed by: Judge Sally C. Medley

Administrative Patent Judge

Box Interference

Washington, D.C. 20231

Tel: 703-308-9797 Fax: 703-305-0942 Filed 11 February 2003

#### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

KENNETH J. McCLELLAN

Junior Party, (Patent 6,323,489 B1), MAILED

FEB 1 1 2003

PAT. & T.M. OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

٧.

BRUCE CHAI and YANGYANG JI

Senior Party, (Application 09/506,160).

Patent Interference No. 105,083

NOTICE DECLARING INTERFERENCE

(37 CFR § 1.611)

#### Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

## Part B. Judge designated to handle the interference

Administrative Patent Judge Sally C. Medley has been designated to handle the interference. 37 CFR § 1.610(a).

## Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

#### Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for 1:00 p.m. on 8 April 2003 (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. <u>See</u> § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

## Part E. The parties involved in this interference are:

#### **Junior Party**

Named inventor:

KENNETH J. McCLELLAN, Los Alamos, NM

Patent:

6,323,489 B1, granted 27 November 2001, based on

application 09/326,056, filed 4 June 1999

Title:

Single crystal scinitillator

Assignee:

Regents of the University of California

Accorded Benefit:

none

Attorneys:

See last page

Address:

See last page

## **Senior Party**

Named Inventors: BRUCE H.T. CHAI, Oviedo, FL

YANGYANG JI, Orlando, FL

Application: 09/506,160, filed 17 February 2000

Title: Lutetium yttrium orthosilicate single

crystal scinitillator detector

Assignee: University of Central Florida

Accorded Benefit: Provisional application 60/120,500

filed 18 February 1999

Attorneys: See last page

Address: See last page

## Part F. Count and claims of the parties

## Count 1

Claim 1 of Application 09/506,160

or

Claim 1 Patent No. 6,323,489

The claims of the parties are:

McClellan:

1-10

Chai:

1, 4, 5 and 7-20

The claims of the parties which correspond to Count 1 are:

McClellan:

1-10

Chai:

1, 4, 5, and -20

The claims of the parties which do not correspond to Count 1 are:

McClellan:

none

Chai:

none ·

Part G. Heading to be used on papers The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER. Paper <sup>1</sup> Filed on behalf of [name of party] Name of lead counsel, Esq. By: Name of backup counsel, Esq. Street address City, State, and Zip-Code Tel: Fax: UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES (Administrative Patent Judge Sally C. Medley) KENNETH J. McCLELLAN Junior Party, (Patent 6,323,489 B1), ٧. BRUCE CHAI and YANGYANG JI Senior Party, (Application 09/506,160).

Patent Interference No. 105,083

TITLE OF PAPER

Leave a blank line because the board assigns the paper number.

### Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

- 1. § 7: date for identifying lead and backup counsel.
- 2. § 8: date for identifying any real party in interest.
- 3. § 9: date for requesting copies of involved and benefit applications and patents.
- 4. § 17: date for filing list of proposed preliminary motions.
- 5. § 19: date for accomplishing certain discovery.
- 6. § 20: date for filing clean copy of claims.
- 7. **§ 21**: date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
- 8. **§ 23**: dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
- 9. § 33: date for objecting to admissibility of evidence.
- 10. § 34: date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
- 11. § 35: dates when cross-examination can take place.
- 12. § 45: dates for taking action with respect to settlement discussions

## Part I. Order form for requesting file copies

## FILE COPY REQUEST

## Interference 105,083

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

2.	Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial
	overnight courier).
Telei	phone, including area code:

Part J. Signature of administrative patent judge

SALLY C. MEDLEY

Administrative Patent Judge

Date: <u>2/11/03</u> Arlington, VA

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in the testimony and briefing phases of the interference (ORDERTE6)

PTO Form 850 and examiner's write-up

Copy U.S. Patent 6,323,489

Copy of application claims 09/506,160

DECLARE.007 Revised 20 September, 2000 (replaces DECLARE.006.1) cc (via Federal Express):

Attorney for McCLELLAN (real party in interest Regents of the University of California):

Samuel L. Borkowsky, Esq. LOS ALAMOS NATIONAL LABORATORY P.O. Box 1663, MS A187 Los Alamos, New Mexico 87545

Attorney for CHAI (real party in interest: University of Central Florida):

Brian S. Steinberger, Esq. 101 Brevard Avenue Cocoa, Florida 32922